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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

NEVADA POWER COMPANY d/b/a NV Energy
and SIERRA PACIFIC POWER COMPANY
d/b/a NV Energy,

Plaintiffs,

v.

TRENCH FRANCE, S.A.S. and TRENCH
LIMITED,

Defendants.

Case No. 2:19-cv-01252

**STIPULATION TO EXTEND
BRIEFING SCHEDULE PERTAINING
TO DEFENDANTS' RULE 12(b)(2)
AND RULE 12(b)(6) MOTIONS TO
DISMISS**

ECF Nos 99, 101

On June 25, 2020, Defendants Trench Limited and Trench France S.A.S. filed separate Motions to Dismiss the Second Amended Complaint pursuant to Rules 12(b)(2) and 12(b)(6). See ECF Nos. 96 and 97. The Plaintiffs' responses to both motions are currently due on July 9, 2020 and the Defendants' reply briefs in support of the motions to dismiss are currently due on July 16, 2020.

Also on June 25, 2020, the Defendants filed a Motion to Extend Time, to modify the briefing

1 schedule on their Motions. See ECF no. 99.

2 As noted in the Motions, jurisdictional discovery is open until August 10, 2020. The
3 jurisdictional discovery which is currently pending are the Plaintiffs' June 18, 2020 Requests for
4 Production, which were served on both Defendants. The Plaintiffs anticipate that this jurisdictional
5 discovery will provide a basis for additional briefing on the Defendant's Rule 12(b)(2) motion to
6 dismiss for lack of jurisdiction. The defendant's discovery responses and document productions are
7 not due until July 21, 2020, which is after the current July 9, 2020 response deadline.

8 The parties wish to avoid the expense and inefficiency of filing two briefs (a pre-discovery
9 brief, and a post-discovery brief) on the Rule 12(b)(2) motion. A single post-discovery brief on
10 jurisdiction should be sufficient. In addition, the parties seek a short extension of the briefing schedule
11 on the 12(6)(6) motions due to the intervening Independence Day holiday.

12 For those reasons, the Plaintiffs and the Trench defendants, by and through their respective
13 counsel undersigned, hereby stipulate and respectfully request an order that Plaintiffs shall have until
14 August 31, 2020 to file their response to the Defendants' Rule 12(b)(2) motions to dismiss (ECF Nos.
15 96 and 97) and Defendants' shall have until September 14, 2020 to file their reply briefs in support
16 of the Rule 12(b)(2) motion to dismiss (ECF Nos. 96 and 97).

17 Further, the Plaintiffs' response to the Rule 12(b)(6) motion (ECF Nos. 96 and 97) shall be
18 due on July 16, 2020 and the Defendants' shall have until July 30, 2020 to file their reply brief in
19 support of the Rule 12(b)(6) motions to dismiss (ECF Nos. 96 and 97).

20 If granted, this Stipulation and Order will resolve the Defendants' Motion to Extend Time,
21 ECF no. 99.

22 These extensions are made in good faith and not for purpose of delay.

23 DATED this 30th day of June, 2020.

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26 **SANTORO WHITMIRE**

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28 By: /s/James E. Whitmire (with permission)

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ORDER

Based on the parties' stipulation [ECF No. 101] and good cause appearing, IT IS SO ORDERED. Plaintiffs' deadline to respond to the FRCP 12(b)(2) portion of the motion to dismiss (docketed as ECF No. 96) is extended to August 31, 2020, and the Trench defendants' reply is due September 14, 2020; Plaintiffs' deadline to respond to the FRCP 12(b)(6) portion of the motion to dismiss (docketed as ECF No. 97) is extended to July 16, 2020, and the Trench defendants' reply is due July 30, 2020.

The motion to extend deadlines [ECF No. 99] is **DENIED as moot**.



U.S. District Judge Jennifer A. Dorsey
Dated: July 2, 2020